IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 499 of 2007

RAM SINGH
V/S
DAYA LAL BHAI & ANR.

Mr. VIPIN MAKKAD for Mr. SANJAY MATHUR, for the appellant / petitioner

Date of Order : 14.3.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the impugned order.

The learned Appellate Tribunal has given cogent reasons for not believing the story propounded by the petitioner for condonation of delay, inasmuch as, the petitioner came with a story of his ailing from 3.3.2006 to 31.5.2006, and come to know of the order of the trial Court only on 31.10.2006 when the Sale Amin came on the site to evict, while the trial Court has found that the medical certificate produced by him does not support the ailment given in the application, inasmuch as, according to the application he was suffering from jaundice, while according to the medical certificate, he was suffering some backache, and pyraxia. That apart, it has also been considered that as a matter of fact, the Sale Amin has gone on the site to evict on 7.8.2006, at which time, the Sale Amin was

misbehaved with by the wife of the petitioner. In these circumstances, in absence of anything to show that the Sale Amin had gone on the site on 31.10.2006 as contended, and on the face of the medical certificate, it cannot be said that the impugned order requires any interference. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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